

EXHIBIT E
(*Backus* Disqualification Order)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

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|----------------------------------|---|---|
| Vandroth Backus, et. al., |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Civil Action No. 2:11-cv-3120-RMG-HFF-MBS |
| vs. |) | |
| |) | |
| The State of South Carolina, et. |) | |
| al., |) | ORDER |
| |) | |
| Defendants. |) | |
| |) | |
| |) | |

This matter comes before the Court, pursuant to 28 U.S.C. § 455, on Defendants’ motion to recuse the undersigned as one of the three judges assigned to hear the pending challenge to the South Carolina State House, State Senate and Congressional reapportionment plans. (Dkt. No. 30). Responses to the motion to recuse have been filed by the Plaintiffs and the State Election Commission defendants. (Dkt. No. 34, 35). Defendants assert that there is a close factual and legal relationship between the present reapportionment litigation and the last round of legislative reapportionment that ended nearly a decade ago. *Colleton County Council v. McConnell*, 201 F. Supp.2d 618 (D.S.C. 2002). Defendants accurately note the undersigned served as lead counsel for Governor James Hodges, a named defendant in that 2002 litigation.¹ Defendants assert that the undersigned has “personal knowledge of material facts that might be disputed here” and “also

¹ The undersigned also served as lead counsel for a group of plaintiffs of all partisan persuasions who successfully challenged the State House reapportionment plan in *Smith v. Beasley*, 946 F. Supp. 1174 (D.S.C. 1996).

